

Missouri Department of Natural Resources Water Protection Program

303d Stakeholders Meeting, March 17, 2006.

Attendees: Phil Schroeder, Rich Burdge and John Ford - Missouri DNR, Betty Wyse – Environmental Resource Center, John Reece – Little Blue Valley Sewer District, Ted Salveter – City Utilities of Springfield, Rebecca Townsend – Columbia Missourian, Larry Shepard, Rebecca Landewe – US Environmental Protection Agency, Mike McKee – Missouri Dept. of Conservation, Ted Heisel – Missouri Coalition for the Environment, Mary West – Missouri Public Utilities Association.

At its March 1, 2006 meeting, the Missouri Clean Water Commission directed the department to revise the current 303(d) Listing Methodology Document (LMD) to bring it more into conformance with the 2005 EPA guidance. The March 17 stakeholder meeting was spent in a reading and discussion of the proposed revisions to the LMD. This document will be available for review on the DNR website under a link to the March 17 stakeholders meeting. The document, as amended based on comments made at the March 17 meeting, will be available for review on the DNR website under a link to the March 31 stakeholders meeting.

Comments from the Meeting

1. Page 2. - the heading at the bottom of page 2 should reference the new 2006 ALRR guidelines (Larry Shepard).
2. Page 3 Definition of Category One/Two - placement of waters in Category One or Two using only the similarity of the watershed (land use and geology) to a water with water quality data that indicates Category One/Two status is not appropriate. Such a procedure rates a water as acceptable without having any confirming water quality data (Ted Heisel). This procedure is also problematical in that it results in an assessment of large areas of the state without water quality data and overstates the adequacy of the state's water quality monitoring program (Rebecca Landewe, Larry Shepard). Use of best professional judgement in the absence of water quality data should be acceptable for placement of waters into Category One/Two (Mary West). EPA guidance pertaining to state-wide water quality assessment reporting encourages best professional judgement in the placement of waters in Category One/Two in the absence of actual data on a water. If we were to abandon our BPJ on state-wide water quality assessment and rely only on actual waterbody specific data our assessment for Missouri would roughly change from the current 49% impaired, 49% unimpaired, 2% unassessed, to 2% impaired, 10% unimpaired, 88% unassessed. Even with the inherent inaccuracies in our current BPJ method, we believe it provides a far more accurate picture of compliance with the Clean Water Act goals than reliance only on waterbody specific data. Concern with the adequacy of the state's water quality monitoring program has been addressed by the development of a monitoring strategy document approved by the department and EPA. Review and revisions to this strategy will be part of the annual state-EPA review process (John Ford).
3. Page 4. Definition of Category 4B. EPA expects that to qualify for category 4B, the water quality impairment would need to be addressed by a discharge permit or other water quality control measure that was in effect by the time the 303(d) list was presented to EPA for approval (Larry Shepard). *Note: wording change made in the March 20, 2006 revision as a result of this comment.*
4. Page 5. Definition of Category 5. Defining an impairment as failure to meet a designated beneficial use precludes using the definition on unclassified streams (which have no designated beneficial uses). Suggest deleting the term "designated beneficial uses" in favor of "water quality standards". The same wording change should also be considered at appropriate locations in Table One (Ted Heisel). *Note: wording changes in the March 20, 2006 revision were made as a result of this comment.*
5. Page 11. Data Age. The wording in the LMD approved by the Clean Water Commission in 2004 should be retained. Use of 15 year old fish tissue data should not be allowed (John Reece). This is a key issue that stakeholders need to be aware of. Our LMD approved in 2004 says we can use data no older than 7 years to characterize current conditions, unless we can provide written justification for the use of older data. EPA guidance says data of all ages can be used to characterize current conditions

unless justification is provided that disallows the use of such data. There is no middle ground. We will need to recommend one or the other (John Ford).

6. Page 13. Table One, first row. EPA guidance says states should consider results from modelling or dilution calculations as a method for judging impairment. No regulations compel the state to use such methods for making impairment decisions (Larry Shepard). John Ford proposed to write some language for this part of the table for stakeholder review. This new wording appears in the March 20 revision of the LMD.
7. Page 14, Table One, Overall Use Protection – Narrative Criteria. This section provides inadequate ways to judge compliance with state narrative criteria and as such does not provide adequate protection for unclassified streams (Ted Heisel). Agree with preceding comment. The department and stakeholders need to think of ways of defining quantifiable endpoints for other narrative criteria (John Ford).

The last part of the meeting was a discussion of statistical procedures the department proposes to use in order to comply with EPA guidelines. Since many of the stakeholders are unfamiliar with statistical testing, the department suggests you share this portion of the proposed LMD with others that have experience in this area. We welcome their comments or attendance at our meetings.